



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

G/08 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: [acoba@acoba.gov.uk](mailto:acoba@acoba.gov.uk)

Website: <http://acoba.independent.gov.uk>

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**BUSINESS APPOINTMENT APPLICATION: VICE ADMIRAL SIR CLIVE JOHNSTONE**

1. The Committee has been asked to consider an application from Vice Admiral Sir Clive Johnstone, former Commander NATO Allied Maritime Command, on taking up a role as Capability and Strategy Director at British Maritime Technology (BMT).

2. As Commander NATO Allied Maritime Command he was one of three, 3\* environmental commanders (Land, Sea, Air) working to the Supreme Allied Commander, Europe. Responsible for converting strategic/political plans into workable maritime activity. He said his role was essentially three parts: first, overseeing operational planning. Second, maintaining operational focus and tempo by managing exercising, visiting ships and task groups and the Allied Navy. Finally, making the case for NATO and its maritime arm in capitals, conferences and other fora.

3. His last day in post was 20 May 2019 and his last day in Crown Service was 31 December 2019.

Appointment Details

4. Vice Admiral Sir Clive said BMT is a leading international design, engineering, science and risk management consultancy with a reputation for engineering excellence. BMT offers a wide range of services, including design solutions, asset performance and management, management consultancy, digital and technology service. It operates in the defence; energy; environment; maritime transport; marine risk and insurance; shipping; and general transportation sectors. Vice Admiral Sir Clive noted BMT not only designs ships and submarines for defence, but it also designs super yachts, flood prevention schemes and also offshore wind and oil and gas infrastructure. Regarding its work in defence and security the website said it helps global defence and security customers to solve complex engineering and programme challenges - working with governments and industry across the maritime, land, aviation and security sectors.

5. As Capability and Strategy Director Vice Admiral Sir Clive will be head of strategy

for BMT. He said he will work on defence, resilience and security; and also oversee the work in environment and infrastructure – which span from flood prediction to the delivery of offshore wind farms and the maintenance and support of oil rigs. He said he will have no responsibility for the day to day management of the various businesses and his role will be to define where he thinks these markets will go and advise the Managing Directors. He will help develop an effective business strategy, maintain the necessary capabilities to deliver that strategy and collectively deliver the financial performance of the business. Vice Admiral Sir Clive will therefore be advising across all industries relying on marketing personnel and business development people to provide him with insight.

6. Given the current global health crisis, he said he believes his main focus will be to work on Covid-19 recovery strategies and identify how BMT might help key clients (across all sectors) recover the economy/business.

7. In regards to his work in the defence sector he will be mentoring and supporting project managers and delivery teams. He said he expects to have some involvement in Governmental Defence Structures (such as in the UK, USA, Canada and Australia). However, he confirmed this will not be his main role and the Director of Business Development will have the lead in this area. He confirmed he will have no responsibility for establishing and maintaining the contracts or relationships with clients. He states this responsibility will be with the market facing Managing Directors.

8. Vice Admiral Sir Clive informed the Committee he did not meet BMT while he was in service. He also said he had no involvement in policy decisions or development nor was he involved in awarding contracts or bids to BMT. Vice Admiral Sir Clive also informed the Committee that after his last day in post, May 2019, he had no access to information regarding the MOD or NATO.

9. The MOD Business Appointments Panel considered Vice Admiral Sir Clive's application and confirmed the information he provided. The MOD said due to his role with NATO he has been protected from UK MOD policy to avoid '*UK favouritism*' during his time in NATO Command. MOD considered he would have remained 'interested and alert' but his three and a half years as the NATO Commander has insulated him from the UK's politics. The MOD further stated his role as NATO Commander had insulated him from the Royal Navy's strategy, policy setting and resourcing. In terms of his access to sensitive information the MOD said Vice Admiral Sir Clive's role was that of a '*cohering force*', rather than one with specific and sensitive information.

10. The MOD did confirm that it has a contract with BMT, focussed particularly in the areas of System Safety and Cyber, from audits to security on MOD Projects. It stated Vice Admiral Sir Clive's most recent roles had been strategically / operationally focussed rather than involving commercial dealings. As such, he has not been involved in any bids or contractual work with this or other defence companies. Further, his three and a half years as the NATO Commander has insulated him from the Royal Navy's resourcing. Therefore, the MOD considered this appointment could not be perceived as a reward.

11. The MOD noted the main risk in this appointment is not of direct commercial influence based on past roles. Instead it sees the main risks being that on the back of his highly visible and influential role. The MOD had no concerns about his taking up this role, subject to these risk being mitigated, and recommended this appointment be subject to restrictions which prevent:

- the use of privileged information, such as 'commercially sensitive information or not-yet-announced decisions on strategy, policy, or delivery'
- lobbying the UK Government on behalf of himself or his employer or its clients

- working on the bids and contracts related to the work of the MOD or its trading funds
- initiating contact with Government and/or Crown Service contacts on behalf of himself or prospective clients or employer regarding any MOD work packages that BMT will be bidding for / seeking a contract renewal for within two years from his last day in post. This does not preclude being in contact with Government and/or Crown Service contacts on matters other than the specified areas.

### The Committee's Consideration

12. When considering this application, the Committee<sup>1</sup> took into account Vice Admiral Sir Clive had no dealings with BMT during his time in service. Further due to his role at NATO he was isolated from Royal Navy resourcing. Therefore, the Committee considered there is no reason it might be perceived this appointment is a reward for decisions made or actions taken from his time in service.

13. The Committee took into consideration that, given his role working with the Supreme Allied Commander for NATO in Europe, there is a risk he could be perceived to have access to various European NATO diplomatic, operational and policy issues. The Committee noted this information could be of relevance to BMT given it works within the defence sector. Further, as Vice Admiral Sir Clive was responsible for overseeing operational planning at NATO he may have knowledge in relation to operation capability and requirements in relation to the European operations he was involved in. However, the Committee recognised there are several mitigating factors here. This information would be limited to operational information with regard to his specific role at NATO; the MOD confirmed it has no concerns about his access to sensitive information, as he was isolated from MOD policy and other sensitive information; and a significant amount of time has passed since he was in post at NATO with access to any information. The Committee agrees with the MOD that these factors significantly reduce the likelihood he will offer BMT an unfair advantage as a result of his access to information.

14. The Committee further noted Vice Admiral Sir Clive will likely have built up a substantial network of contacts within the MOD, the UK Government and other foreign governments given his work with NATO. It could be perceived that Vice Admiral Sir Clive could use his contacts to an unfair advantage for BMT. As the former NATO lead on maritime operations, the Committee agreed with the MOD that his influence here is the main focus of risk in this case. Under the Government's Business Appointment Rules, applicants are as standard, prevented from lobbying the UK Government given the risks here. Further it is usual for the Committee to apply a condition which prevents him from advising on bids and contracts with the UK MOD and the UK Government. In this case, the Committee has carefully considered if Vice Admiral Sir Clive's proposed contact with the UK, USA, Canadian and Australian Governmental Defence Structures as described above, would be appropriate given the lobbying ban. While he has been clear this engagement would not be in a commercial capacity, the Committee considers any contact Admiral Sir Clive has with NATO of the UK MOD on BMTs behalf would risk providing BMT with an unfair advantage and would likely fall within the definition of lobbying (see para 22). Therefore, the Committee would remind Admiral Sir Clive that such contact with NATO and the MOD would be inappropriate.

15. Further, given his role within NATO the likely network in foreign governments, the Committee noted there was a risk that BMT could be seen to benefit from his relationships with other governments. Therefore, the Committee has also applied a

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<sup>1</sup> This application for advice was considered by Sir Alex Allan; Johnathan Baume; Lord Larry Whitty; The Rt Hon Lord Eric Pickles; Dr Susan Liautaud; Richard Thomas; John Wood.

restriction on lobbying contacts in foreign governments for the purposes of securing business for BMT and its clients.

16. The Committee also noted there may be potential risks associated with the unknown nature of BMT'S clients. Specifically, should they be a company or organisation he had a commercial relationship with or where he had some influence in respect of their work whilst in post. Therefore, the Committee considered it would be appropriate to impose an additional condition to prevent him from advising BMT and its clients where it involves working on matters he had involvement with in service.

17. As this proposed work relates to Vice Admiral Sir Clive's time in service there are inherent risks associated with the sensitive information he may have had access to. The Committee considered a waiting period would normally be required to put a gap between his time in office and the taking up of this role with BMT. However, the Committee noted he left Crown service 4 months ago and it is significant that he left his role at NATO and last had access to information or involvement in NATO operation in May 2019. As such, any operational NATO information is now 11 months old, lessening the risks associated. Therefore the Committee considered no further waiting period was necessary.

18. Under the Government's Business Appointment Rules, the Secretary of State has accepted the Committee's advice that Vice Admiral Sir Clive Johnstone's role with **British Maritime Technology** should be subject to the following conditions:

- that he should not draw on (disclose or use for the benefit of himself or the organisations to which this advice refers) any privileged information available to him from his time in Crown service;
- or two years from his last day in Crown service, he should not become personally involved in lobbying the UK MOD or NATO on behalf of British Maritime Technology (including parent companies, clients, subsidiaries and partners); nor should he make use, directly or indirectly, of his MOD, NATO or government contacts to influence policy, secure funding/business or otherwise unfairly benefit British Maritime Technology (including parent companies, clients, subsidiaries and partners);
- for two years from his last day in Crown service, he should not become personally involved in lobbying contacts he has developed during Crown service, within other Governments and organisations, for the purpose of securing business for British Maritime Technology, its subsidiaries, partners or clients;
- for two years from his last day in Crown service, he should not advise British Maritime Technology or its clients on work with regard to any policy he had specific involvement or responsibility for as Commander whilst at the NATO, or where he had a relationship with the company or organisation during his time as Commander on behalf of the NATO; and
- for two years from his last day in Crown service, he should not provide advice to British Maritime Technology on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of, the MOD or its trading funds or NATO.

19. By 'privileged information' we mean official information to which a Minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the

Civil Service Code or otherwise.

20. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant "*should not engage in communication with Government (Ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a Government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office.*"

21. I should be grateful if you would inform us as soon as Vice Admiral Sir Clive Johnstone takes up this appointment, or if it is announced that Vice Admiral Sir Clive Johnstone will do so, by emailing the office at the above address. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments that have not been taken up or announced. This could lead to a false assumption being made about whether Vice Admiral Sir Clive Johnstone has complied with the Rules.

22. Please also inform us if Vice Admiral Sir Clive Johnstone proposes to extend or otherwise change the nature of appointment as, depending on the circumstances, it may be necessary for him to make a fresh application.

23. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

Yours sincerely

Isabella Wynn  
**Committee Secretariat**